

Catherine Ongko

From: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Sent: Thursday, 20 July 2023 12:18 pm
To: Ryan Hodgson
Cc: 'paul.reid@southlanddc.govt.nz'
Subject: RE: Request for further information on resource consent application - APP-20232970
Attachments: Upstream and Downstream 2022.xlsx

Hi Ryan,

To determine the relevant rule, the initial assessment only considered the change of effects of the discharge on water quality beyond the zone of reasonable mixing and not necessarily the receiving waters upstream of the discharge point. As such, the application was initially considered to meet Rule 33A(a) of the pSWLP on the basis that the discharge is not responsible for any exceedances of the respective receiving water quality standards set out Appendix E, when considered below the zone of reasonable mixing.

However, if the relevant rule is determined by assessing the receiving waters upstream of the discharge point, then the Mataura River as a whole does not meet the Appendix E – Receiving Water Quality as E.coli counts upstream are occasionally elevated and exceed water quality standards. The water quality assessment in the initial application did however demonstrate that water quality downstream of the discharge point is heavily influenced by the upstream fluctuations as the river is impacted by various other sources of contamination. The upstream and downstream concentrations are shown to be similar and follow the same water quality trends.

In relation to the minor changes to the water quality standards set out in Appendix E relevant to the “Mataura 3”, the receiving waters upstream of the discharge point generally complies with the water quality standards. It has been noted that E.coli counts periodically exceed 1,000MPN/100mL. Based on monitoring data (2021-2022) upstream of the discharge, the mean E.coli counts was 648 MPN/100mL and the Median was 470 MPN/100mL (see attached spreadsheet). The proposal complies with all other water quality standards, including MCI/QMCI (refer to Ryder, 2021 report) and water clarity at the edge of the mixing zone.

Where water quality standards are not met, Policy 15B of the pSWLP requires that water quality be improved by:

1. Avoiding any adverse effect of new point source discharges to surface water on water quality that would exacerbate the exceedance of those standards beyond the zone of reasonable mixing; and
2. Avoiding, where reasonably practicable, or otherwise remedying or mitigating any adverse effects of other new discharges on water quality that would exacerbate the exceedance of those standards; and
3. requiring any application for replacement of an expiring discharge permit to demonstrate how and by when adverse effects will be avoided where reasonably practicable and otherwise remedied or mitigated, so that water quality will be improved to assist with meeting those standards (beyond the zone of reasonable mixing for point source discharges)

In respect of giving effect to Policy 15B, the proposal relates to the replacement of an expiring discharge permit. The application and further information provided to ES has demonstrated the intention of the proposal and SDC's commitment to make minor short term improvements to the treatment system to improve the discharge and potential impact on the receiving waterbody. The effects cannot be avoided at this stage but will be mitigated to an extent so that water quality is improved beyond the mixing zone. The main focus of the short term application is to emphasize SDC's commitment to improve the WWTP with investigation underway to consider long term options.

Based on the assessment above, the proposal does not comply with the provisions of Rule 33A(a) of the pSWLP and application must be treated as a non complying activity pursuant to Rule 33A(b) of the pSWLP. The proposal is however considered to be consistent with Policy 15B of the pSWLP and will achieve the direction of the plan going forward once short term improvements are made and more detailed options are available to improve the overall operation of the WWTP.

Cheers
Jan

From: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Sent: Tuesday, July 18, 2023 11:58 AM

To: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>
Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Jan

I see you have altered the application to align with the new provisions of the pSWLP from the sixth Interim Decision. The operative provisions Objective 6, Policy 15A, and Rule 33A(a) of each make reference to the state of the existing environment (measured upstream of the discharge) and whether it meets Appendix E - Water Quality Standards (upstream of the discharge). Note that Surface water bodies classified as "Mataura 3" of the Appendix E outlines the parameters that determine whether or not the river meets the Appendix E – Receiving Water Quality Standards.

Can you please provide an updated table and any other supporting information that demonstrates how the Mataura River upstream of the discharge meets the Appendix E – Receiving water quality standards. This will determine if Rule 33A(a) or Rule 33A(b) applies. Note that some elements of Appendix E has changed as a result of the sixth interim decision.

Thanks,
Ryan

Ryan Hodgson

Senior Consents Officer

Environment Southland *Te Taiao Tonga*

P 03 211 5115 | M 021 311 833

Cnr Price St & North Rd, Private Bag 90116, Invercargill 9840

Ryan.Hodgson@es.govt.nz | es.govt.nz | facebook.com/environmentsouthland

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From: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Sent: Thursday, 13 July 2023 5:19 PM
To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>
Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Ryan,

Apologies it's a bit late in the day but I managed to get in through by 13 July as promised 😊

Enjoy the long weekend !

Cheers
Jan

From: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Sent: Thursday, July 6, 2023 2:53 PM
To: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>; John Eteuati <John.Eteuati@ghd.com>
Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Jan

Yes that's fine.

Thanks,

Ryan

Ryan Hodgson

Senior Consents Officer

Environment Southland *Te Taiao Tonga*

P 03 211 5115 | M 021 311 833

Cnr Price St & North Rd, Private Bag 90116, Invercargill 9840

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From: Jan Steenkamp <Jan.Steenkamp@ghd.com>

Sent: Thursday, 6 July 2023 2:37 PM

To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>

Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>; John Eteuati <John.Eteuati@ghd.com>

Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Ryan,

Would we be able to extend the hold to respond to the follow up questions with another week if possible ?

I've got 95% of the response ready to go but there is minor stuff I need to finalise with SDC before formally responding.

Please confirm if 13 July is acceptable ?

Cheers

Jan

From: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>

Sent: Thursday, June 15, 2023 1:21 PM

To: Jan Steenkamp <Jan.Steenkamp@ghd.com>

Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>; John Eteuati <John.Eteuati@ghd.com>

Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Jan

Yes that's fine. Thanks for the update.

Kind Regards,

Ryan

Ryan Hodgson

Senior Consents Officer

Environment Southland *Te Taiao Tonga*

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From: Jan Steenkamp <Jan.Steenkamp@ghd.com>

Sent: Thursday, 15 June 2023 1:18 PM

To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>

Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>; John Eteuati <John.Eteuati@ghd.com>

Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Ryan,

Apologies in the delay in getting back to you. We are still in the process of working through some of the questions, in particular Question 8 regarding the potential for future filtration devices.

Would we be able to provide you with a final response by 6 July 2023 as some of the questions are interrelated to the wider scheme investigation works GHD is undertaking which will need further discussion with SDC before we can formally respond.

Please let me know if this further extension is ok ?

Cheers
Jan

From: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>

Sent: Monday, June 12, 2023 11:11 AM

To: Jan Steenkamp <Jan.Steenkamp@ghd.com>

Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>; John Eteuati <John.Eteuati@ghd.com>

Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Jan

Thanks for your response to the s92(1) request however it does not fully answer the questions asked. Below is a summary of what has been answered and what requires further elaboration

Questions 1 and 2

I agree that Rule 1 of the RWP applies.

Question answered

Question 3

Please provide legal evidence/case law that supports the claim that the discretionary activity status of the RWP trumps the Non-Complying status of the pSWLP as requested. I also note that rule 33A (and Appendix E, Policy 15A and Policy 15B)) has been amended to include a discretionary activity rule and has since been made operative as at the sixth Interim decision on 23 March 2023. If you wish, you can consider utilising these updated provisions noting that you applied before the sixth interim decision was made.

Question not fully answered

Question 4

The applicant has changed the reasonable mixing zone to 200m to align with the pSWLP.

Question answered

Question 5

- NOF assessment provided does not account for the changes to national bottom line for ammonia and nitrate (lifted from C band to B Band) in the NPS-FM 2020. Please address this.
- I'm not convinced Policy 15A (pSWLP) applies, I believe its 15B due to occasional E.Coli exceedances of the discharge that has occurred as part of the current consent and as explained in your response to question 6. Furthermore, there is no certainty that the new lower thresholds for E.Coli with a small mixing zone will help in this matter.
- The Mataura River is a degraded water body as there are some attributes that do not meet the national bottom line/draft objective state. These would include suspended sediment, E. coli, MCI and potentially others. Therefore, with respect to these attributes (at the minimum), the activity should aim to improve and not just maintain water quality in accordance with Policy 5 and 13 of the NPS-FM. Please explain how this will occur (note this answer can be in conjunction with the assessment of Policy 15B above).

Question not fully answered

Question 6

Please explain, and provide evidence, for how E.Coli levels will be reduced three fold as I do not believe this has been fully demonstrated. How are we to know that E. Coli contaminant loads will not increase? Please recalculate the figures including the actual average, not just the consented average to ensure expected reductions to E.coli. are not overstated.

Question not fully answered

Question 7

New flow meter will be installed in first 12 months after consent is granted.

Question answered

Question 8

The further info response indicated that a new filtration step is proposed. Explain what filtration is being proposed, what the proposed consent condition will be for the new filtration system, and how E.Coli and DRP will remain within new consented limits with the updated O&M Plan.

Question not fully answered

Question 9

Please provide the 2021 ecological survey.

Question not fully answered

Question 10

There still has been no invert/periphyton data provided.

It is also noteworthy that there are times of low pH in the discharge. Please propose how this matter will be addressed (eg a consent condition around the pH of the receiving water being maintained within an acceptable range)

Question not fully answered

Let me know when you can get back to me on the above matters.

Kind Regards,
Ryan Hodgson

Ryan Hodgson

Senior Consents Officer

Environment Southland *Te Taiao Tonga*

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Cnr Price St & North Rd, Private Bag 90116, Invercargill 9840

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From: Jan Steenkamp <Jan.Steenkamp@ghd.com>

Sent: Wednesday, 24 May 2023 8:16 AM

To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>

Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>; John Eteuati <John.Eteuati@ghd.com>

Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Ryan,

Please find attached our formal response to your Section 92 Request for Further Information (RFI).

Let me know if you have any questions.

Cheers
Jan

From: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Sent: Wednesday, May 17, 2023 11:07 AM
To: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>
Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Jan

Yes that's no problem. It's better for the response to arrive later but be complete and thorough.

Thanks,
Ryan

Ryan Hodgson

Senior Consents Officer

Environment Southland *Te Taiao Tonga*

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From: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Sent: Wednesday, 17 May 2023 10:44 AM
To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>
Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Ryan,

Would we be able to postpone the s92 hold until Monday 22 May 2023 ?

I have a few final bits to tidy up in the response before we can sent this through for assessment.

Cheers
Jan

From: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Sent: Thursday, May 4, 2023 12:15 PM
To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>
Subject: RE: Request for further information on resource consent application - APP-20232970

Hi Ryan,

I may give you call over the next couple of days to discuss some of the planning questions and getting some clarification.

However, we are aiming to get a full response back to you by 18 May 2023 to address the questions.

Cheers
Jan

From: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Sent: Wednesday, May 3, 2023 9:43 AM
To: Jan Steenkamp <Jan.Steenkamp@ghd.com>
Cc: 'paul.reid@southlanddc.govt.nz' <paul.reid@southlanddc.govt.nz>
Subject: Request for further information on resource consent application - APP-20232970

Tēnā koe Jan

Thank you for applying for resource consent to discharge treated wastewater from a community sewerage scheme into the Maitai River. The application has been formally received. However I will need further information from you before your application can progress.

This email outlines the information I am requesting, the reasons for the request, your options and how they affect you. **Please read the points below carefully or have someone explain them to you.**

The following information is requested under Section 92(1) of the Resource Management Act 1991. I will need the information requested below to understand your proposal before I can make a recommendation on notification.

1. Please provide either:
 - I. a complete and thorough explanation along with supporting evidence that confirms existing water quality of the Maitai River upstream of the discharge meets water quality standards in accordance with Policy 15A of the pSWLP and Rule 1 of the RWP. Or;
 - II. please confirm that water quality standards are not met and provide an assessment against rule 2 (RWP) and/or Policy 15B (pSWLP).

I am requesting this information to confirm whether rule 1 or 2 applies in the RWP and whether Policy 15A or 15B applies in the pSWLP. It is also worth noting that the application suggests upstream water quality standards are not always met as E. Coli data results sometimes exceeds 1,000 MPN/100mL. This suggests that at the very least, policy 15B (pSWLP) applies and not policy 15A (pSWLP).

2. Please provide an updated rule assessment against rules 1 or 2 of the Regional Water Plan (RWP) or provide a replacement application document with the correct rule references. I am requesting this information because rule 2(b) only applies to the discharge from Alliance Lorneville plant to the Makarewa River.
3. Please provide justification with supporting legal evidence/case law for why the activity should be classified as a discretionary activity under the RWP and not a Non-Complying activity under the pSWLP.

I am requesting this information because prioritizing the discretionary status under the operative plan over the Non-Complying status under rule 33A in the pSWLP conflicts with section 87A(5) of the RMA.

4. Please either:
 - I. justify how 425m can be considered as the reasonable mixing zone given the definition for the 'reasonable mixing zone' in the pSWLP limits it to a maximum of 200m (note that (d) in the definition enables a distance to be determined through a resource consent process having regard to (a) to (c) of the definition). Or;
 - II. adjust the proposal to incorporate the parameters of the mixing zone in accordance with the definition of the 'reasonable mixing zone' in the pSWLP.

I am requesting this information because that application did not indicate how the proposed mixing zone has been determined according to the definition of the reasonable mixing zone in the pSWLP. If, in response to this question, the mixing zone is reduced, please update the AEE accordingly.

5. Explain along with supporting evidence that demonstrates how the proposed discharge will meet the National Objectives Framework of the National Policy Statement for Freshwater Management 2020 (NPS-FM), and how it will maintain or improve water quality in accordance with subpart 3.24 of the NPS-FM, policies 3, 5 and 13 of the NPS-FM 2020, and Policy 15A/15B of the pSWLP.

I am requesting this information because the application did not adequately address how these policies are being met now and in the future and how water quality will be maintained or improved given the proposed increasing discharge rates and contaminant loads.

6. Please either:
- I. provide a complete and thorough explanation along with supporting evidence that confirms contaminant loads in the Mataura River will not increase despite the proposed 70% increase in the proposed discharge from the current consented discharge volume (450m³/day compared to 264m³/day average daily flow). Or;
 - II. confirm that contaminant loads will increase downstream and justify why this is acceptable according to the relevant policies and direction of the pSWLP and NPS-FM to reduce contaminant loads in degraded water bodies, with particular regard given to E. Coli loads.

I am requesting this information because paragraph 2 of section 5.2.1 in the application states that contaminant concentrations and contaminant loadings show not obvious change. However, evidence with regard to contaminant 'loadings' were not present in the application. Furthermore, the condition of the Toetoes estuary downstream of the discharge may further deteriorate as a result in any increase in contaminant loadings.

7. Please justify why the discharge volume should be measured prior to entry into the wastewater treatment system rather than just prior to discharging into the Mataura River, or as it leaves the wastewater treatment system.

I am requesting this information because I believe there is potential for there to be a discrepancy in the actual volume discharged into the river and the volume that goes into the wastewater treatment system through possible system leaks, infiltrations, or any other reason.

8. Please explain how E.Coli and DRP will remain within the proposed consented limits given previous exceedances and/or provide any mitigations that could be used to reduce these instances and provide an indication of expected frequency of any exceedances.

I am requesting this information in order to understand whether the activity will be able to meet the proposed consent conditions and whether the proposed consent conditions are sufficient to ensure adverse effects on the receiving environment are avoided, remedied or mitigated.

9. Please explain the potential and actual effects of the activity on instream ecology and aquatic organisms from the proposed discharge, having particular regard to the proposed significant increase in the discharge compared to the current consented volume and the subsequent increase in contaminant loads on the downstream aquatic environment. Additionally, please reference periphyton and macroinvertebrate monitoring data (including the most recent data which was not presented in Appendix B of the application) to support the assessment of adverse effects on instream ecology and aquatic organisms.

Section 5.2.4 within the application discusses potential effects on instream ecology and aquatic organisms. It also identifies relevant water quality issues in the receiving environment. However, it does not link the potential effects on instream ecology and aquatic organisms from the proposed discharge.

10. Section 3.1.3 provides discharge quality data in a graphic form. Please also provide this data in a numerical form.

I am requesting this information because the proposed consent conditions are based on a mean of four samples, and it would be helpful to present a rolling mean in addition to the actual values.

You must, by 24 May 2023 either:

- Provide the information, or
- Agree to provide the information, or
- Refuse to provide the information.

Please consider what to do carefully. Your decision is important because:

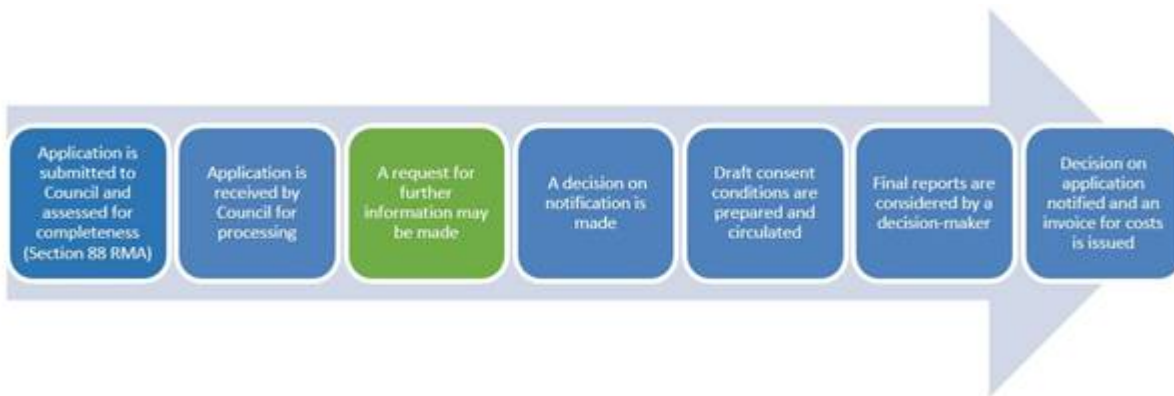
- If you provide the information we will proceed with processing your application.
- If you agree to provide the information we will set a reasonable timeframe for you to provide the information by.
- If you refuse, or do not provide the information before the agreed timeframe we must publicly notify the application. Public notification means the public may make submissions on the application and there may be a hearing to determine it. Additional payments are required for notified applications.
- We can decline the application if we have insufficient information to grant it.

The time taken between this email and our receipt of the information will not be included in our total processing timeframes for the application.

Please contact me if you have any questions. I can be contacted by phone at Environment Southland Monday-Friday 8.00–4.30 on 0800 76 88 45 or this email address. Otherwise, if you need more information:

- go to es.govt.nz/environment/consents or
- go to <https://environment.govt.nz/publications/applying-for-a-resource-consent/>

Ngā mihi



Ryan Hodgson

Senior Consents Officer

Environment Southland *Te Taiao Tonga*

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